

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

LUKE JOHN SCOTT, SR.,

Plaintiff,

vs.

KEITH K. et al.,

Defendants.

CV 20–14–GF–BMM–JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on September 13, 2021. (Doc. 15). Judge Johnston recommended that Plaintiff Luke John Scott’s Amended Complaint (Doc. 14) be dismissed with prejudice as failing to state a claim.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing

for clear error and finding none, the Court adopts Judge Johnston's recommendations in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Scott's Complaint (Doc. 14) is **DISMISSED** with prejudice as failing to state a claim.
2. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.
4. At all times during the pendency of this action, Scott must immediately advise the Court of any change of address and its effective date. Failure to file a notice of change of address may result in the dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

DATED this 18th day of October, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court